

REMARKS

The Examiner's Office Action mailed November 14, 2008, which rejected all pending claims, has been reviewed. Reconsideration in view of the foregoing remarks is respectfully requested. Moreover, Applicants have reviewed the Office Action of November 14, 2008, and submit that the following amendments and remarks are responsive to all points raised therein. Applicants believe that currently pending claims 1-4 are now in form for allowance.

Status of Claims

Claims 1-4 are pending in the application. Claims 2 and 3 were amended for orthographical corrections. Claims 5 and 6 have been canceled. Claim 1 has been amended to include the limitations of claim 5. No new matter has been added.

Specification

The title of the invention has been amended as suggested by the Examiner.

Rejection of Claims 1-3, 5 and 6 under 35 USC §102(b)

Reconsideration is respectfully requested of the rejection of claims 1-3, 5 and 6 under 35 U.S.C. §102(b) as being anticipated by Snyder (US Patent No. 6,063,771).

Claim 1 is directed to a method of repelling arthropods from warm-blooded species. The method includes applying an effective amount of a pyrethroid or pyrethrin in combination with a nicotinic agonist to said warm-blooded species.

Repellancy means that the composition drives back the pests but does not necessarily mean that the pests will be killed. A pesticidal (insecticidal, or arthropodicidal) effect involves killing of the pest. It was known that pyrethrins and pyrethroids have a repellent effect. However, the present invention found that a combination of pyrethrins/pyrethroids with nicotinic agonists shows a repellency that exceeds the repellency of formulations that contain

pyrethrins/pyrethroids alone. This is an important fact because the combinations according to the present invention prevent contact with the pest or at least shorten the contact time and thus for example reduce or prevent the transmission of diseases via the pests. Applicants also draw the Examiner's attention to examples in the specification, in particular, section A, Repellation of Ticks in the Moving-object Bioassay, Comparison with the prior art. This example specifically describes how repellency is measured.

Applicants respectfully submit that Snyder does not teach all of the elements of claim 1. In particular, Snyder does not teach a repellent effect of the combination of nicotinic agonists with pyrethroids/pyrethrins. In fact, Snyder does not mention repellency at all. Snyder teaches the control of lice. Specifically, Snyder teaches that head lice proliferate at an incredible speed. Therefore, if a few lice are present on a host the problem is proliferation and not infestation. This is different to, for example, mosquitos where a repellent effect prevents that they sting at all, or fleas who may jump off the host, or ticks who crawl on the host from plants. Snyder does not mention repellency and a skilled person would not think about it because repellency is not very relevant in controlling lice.

Since Snyder does not teach all of the elements of claim 1, Applicants respectfully request withdrawal of the rejection of claim 1. As claims 2 and 3 directly depend from claim 1, Applicants respectfully request withdrawal of the rejection of claims 2 and 3 as well.

Rejection of Claim 4 under 35 USC § 103(a)

Reconsideration is requested of the rejection of claim 4 under §103(a) as being unpatentable over Snyder (US Patent No. 6,063,771) in view of Knauf et al. (US Patent Application No. 2002/0061928).

Snyder is discussed in detail above.

Knauf is concerned with a pesticidal composition comprising deltamethrin and acetamiprid. Knauf does not refer to a repellent effect, but rather to a pesticidal effect. In the art, it is known that the words with the suffix "cidal" or

“cide” refer to agents that are supposed to kill pests (i.e, insecticide, fungicide, herbicide).

Consequently, both cited documents alone or in combination fail to disclose Applicants combination of pyrethroids/pyrethrins and nicotinic agonists would have repellent activity.

As such, Applicants respectfully request withdrawal of the rejection to claim 4.

Conclusion

In view of the above, Applicants respectfully submit that the pending claims are patentable over the cited references and request withdrawal of all rejections and allowance of the claims.

The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment in connection with this amendment to Deposit Account No. 50-4260.

Respectfully submitted,
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